

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE GUARDIAN NEWS, INC.,

Plaintiff,

-against-

VILLAGE OF CROTON-ON-HUDSON,

Defendant.
-----X

ANSWER

Docket No.
07 Civ. 3805 (CLB)

Defendant, by its attorneys, MIRANDA SOKOLOFF SAMBURSKY SLONE
VERVENIOTIS LLP, as and for its answer to the complaint in the above-captioned matter, sets
forth as follows:

1. Denies the allegations contained in ¶ “1” of the complaint, and refers all questions of law to the Court for adjudication.
2. Denies the allegations contained in ¶ “2” of the complaint, and refers all questions of law to the Court for adjudication.
3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “3” of the complaint.
4. Admits the allegations contained in ¶ “4” of the complaint.

AS AND FOR A RESPONSE TO PLAINTIFF’S FIRST CLAIM

5. As and for a response to the allegations contained in ¶ “5” of the complaint, defendant repeats and realleges its responses to the allegations contained in ¶¶ “1” through “4” of the complaint, as though they were fully set forth herein.
6. Denies the allegations contained in ¶ “6” of the complaint, and refers all questions of law to the Court for adjudication.

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Our File No. 07-383

TO: Jonathan Lovett, Esq. (JL-4854)
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222 Bloomingdale Road
White Plains, New York 10605
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AS AND FOR A RESPONSE TO PLAINTIFF'S SECOND CLAIM

7. As and for a response to the allegations contained in ¶ “7” of the complaint, defendant repeats and realleges its responses to the allegations contained in ¶¶ “1” through “6” of the complaint, as though they were fully set forth herein.

8. Denies the allegations contained in ¶ “8” of the complaint, and refers all questions of law to the Court for adjudication.

AS AND FOR A RESPONSE TO PLAINTIFF'S THIRD CLAIM

9. As and for a response to the allegations contained in ¶ “9” of the complaint, defendant repeats and realleges its responses to the allegations contained in ¶¶ “1” through “8” of the complaint, as though they were fully set forth herein.

10. Denies the allegations contained in ¶ “10” of the complaint, and refers all questions of law to the Court for adjudication.

FIRST AFFIRMATIVE DEFENSE

11. Plaintiff's complaint fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

12. Plaintiff's complaint is barred by the applicable statute of limitations.

THIRD AFFIRMATIVE DEFENSE

13. Plaintiff lacks standing.

FOURTH AFFIRMATIVE DEFENSE

14. This case, in whole or in part, is not ripe.

FIFTH AFFIRMATIVE DEFENSE

15. This case, in whole or in part, does not present a case or controversy.

SIXTH AFFIRMATIVE DEFENSE

16. The challenged legislation represents a reasonable time, place, and manner regulation.

SEVENTH AFFIRMATIVE DEFENSE

17. The challenged legislation comports with applicable Supreme Court precedent on obscenity.

EIGHTH AFFIRMATIVE DEFENSE

18. Plaintiff cannot identify any similarly situated persons or entities that are treated more favorably under the challenged legislation.

NINTH AFFIRMATIVE DEFENSE

19. Plaintiff's constitutional rights were not deprived pursuant to a policy, practice, custom, or procedure of the Village of Croton-on-Hudson.

TENTH AFFIRMATIVE DEFENSE

20. The challenged legislation does not address the placement of newsracks on public property as alleged.

Dated: Mineola, New York
June 4, 2007

MIRANDA SOKOLOFF SAMBURSKY
SLONE VERVENIOTIS LLP
Attorneys for Defendant

By: 

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